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Committee on Economic, Social and Cultural Rights

Fifty-ninth session

Summary record of the 52nd meeting

Held at the Palais des Nations, Geneva, on Tuesday, 20 September 2016, at 10 a.m.

Chair: Mr. Sadi

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The meeting was called to order at 10.05 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Fifth periodic report of Costa Rica (continued) (E/C.12/CRI/5; E/C.12/CRI/Q/5 and Add.1)

1. *At the invitation of the Chair, the delegation of Costa Rica took places at the Committee table.*

2. **Mr. Solano Ortiz** (Costa Rica) said that the system for monitoring social policies was coordinated by the Vice-President, and that State institutions were obliged to follow accountability processes on a weekly basis. Policies were tailored to address the specific needs of each vulnerable sector of the population; for example, a health policy had been developed to address certain illnesses which occurred solely in Afro-descendant women. The Government had instituted two flagship social projects: the Weaving Development programme was an initiative by the First Lady to provide opportunities for the most vulnerable women by addressing the multiple causal factors of poverty; and the Bridge to Development programme provided comprehensive assistance to more than 27,000 families, through initiatives including cash transfers to help children stay in school and temporary State-paid welfare contributions to enable families to access the social security system. Legislative reforms making it easier to open bank accounts had been introduced to help build a savings culture and provide access to credit.

3. The Digital Costa Rica project provided Internet access throughout the country, while marginalized families in remote areas were given free broadband connections under the Connected Homes initiative. Programmes were also in place to ensure that the computing systems in health-care facilities and State institutions were interlinked, and to provide free Internet access in public places such as parks. Costa Rica had been the first country in the world to draft a national agenda for the implementation of the Sustainable Development Goals, in partnership with the private sector and United Nations agencies. That agenda was overseen by a committee which included the President, the Minister of Planning and the Minister for Foreign Affairs.

4. **Ms. Whyte** (Costa Rica) said that, while poverty rates had remained stable in Costa Rica over the previous two decades, the country had seen an increase in inequality as a result of the 2008 global financial crisis. Factors including lower levels of education among the working-class population and a large number of foreign companies moving their operations away from Costa Rica to locations with lower labour costs had driven the unemployment rate up to almost 11 per cent from its historic rate of below 5 per cent, in spite of the economic growth the country was experiencing. Strategies had been developed to create jobs and stimulate the production sector, while specific programmes had been designed to address the employment needs of vulnerable groups including young people, women, indigenous peoples and persons with disabilities.

5. The minimum wage was calculated separately for each sector and each occupation. As the Government wished to improve social justice for domestic workers, the minimum wage for that group had seen the largest increase during the most recent review, rising 2 per cent compared to an average rise of 0.54 per cent for other occupations. Reforms to the Labour Code had introduced regulations governing working hours, wages, social security obligations and holiday entitlement for domestic workers. The Social Insurance Fund of Costa Rica had established operational guidelines for the inclusion of domestic workers in

its systems. Workplace inspections carried out by the Ministry of Labour and Social Security helped to ensure that minimum wage standards were being adhered to.

6. In December 2015, the Government had passed the landmark Labour Law Reform Act, to be implemented in full over a period of 18 months. The reforms would bring a range of benefits including free legal services for persons on low incomes and the introduction of oral proceedings for labour claims, meaning that cases would be resolved in six months instead of three years. Provision for workplace inspections was to be strengthened, with the recruitment of 162 new inspectors and 52 lawyers. The new legislation also prohibited discrimination in employment on a wide range of grounds including age, gender, ethnicity, disability, sexual orientation and political opinion. Information would be provided in the next periodic report on the impact of the labour reforms.

7. **Ms. Sánchez** (Costa Rica) said that amendments to the General Act on HIV/AIDS had introduced provisions to protect against stigmatization and discrimination and to guarantee access to comprehensive health care and antiretroviral medicines for persons living with HIV/AIDS. Under the Act, employers were prevented from requesting HIV tests or certificates as a precondition for employment.

8. **Mr. Solano Ortiz** (Costa Rica) said that the Constitutional Chamber of the Supreme Court of Justice had issued a number of rulings relating to the rights of indigenous peoples in recent years. In 2012, a project to build a hydroelectric plant on indigenous lands in the south of the country had been suspended to allow for a consultation process to take place. In March 2016, the Minister for Foreign Affairs had been asked to withdraw the country's nominated representative to the United Nations Voluntary Fund for Indigenous Peoples owing to a lack of support from a number of indigenous groups.

9. He explained that the outcome of amparo proceedings would have effect only for the appellant in an individual case, whereas an application for constitutional review would give rise to an *erga omnes* ruling.

10. The Cabécar language was not at risk of extinction, and was in fact the most widely used indigenous language in Costa Rica. Both the Boruca and the Teribe languages and cultures were taught in schools, while Chorotega and Huetar had disappeared during the eighteenth century. The Government ran cultural sessions to preserve the knowledge of indigenous peoples beyond the confines of families. Efforts were being made to improve the facilities of schools in mountainous indigenous areas that were often hard to access. While almost 100 per cent of the country was connected to the electricity network, remote areas were served by a network of 4,500 solar panels, 1,500 of which were in indigenous communities. In order to help keep indigenous children in education, the Government provided transport and meals programmes, with school canteens remaining open during school holidays. The Government was investing US$ 26,000 per month in a scheme to use drones to transport medicines to remote communities in order to improve access to treatment for indigenous peoples. To combat discrimination against migrants, the Directorate-General for Migration organized institutional initiatives and advertising campaigns promoting integration, and policies were in place to combat racism and xenophobia, particularly in schools and workplaces.

11. The President of Costa Rica was a member of the United Nations High-Level Panel on Women's Economic Empowerment. At the national level, efforts by the Ministry of Labour and Social Security to inform the design of effective gender equality policies included research into the causes of the wage gap, gender auditing and certification of companies, and the creation of a childcare network to enable women to undertake professional training. Preschools in the network provided early years education for 50,000 children under the age of 5, 60 per cent of whom belonged to vulnerable groups. A team of 15 peripatetic teachers was working to create education models for the preschools. A

project running in indigenous areas was designed to help women form cooperatives to sell artisanal and agricultural products, and some were already exporting their goods to Europe. The projects generated income and boosted self-esteem, as well as developing the entrepreneurial skills of the women. The My First Job scheme generated employment for people entering the labour market for the first time.

12. **Ms. Whyte** (Costa Rica) said that, as one way of enabling the population to access the benefits of scientific and technological progress, solar panels were being installed to provide electricity to the small number of persons who lived in isolated areas without access to the network. To date, 30 per cent of the units had been installed in indigenous areas.

13. **Mr. Solano Ortiz** (Costa Rica) said that asylum seekers did not have to pay for their claims to be processed. In the case of refugees, the Office of the United Nations High Commissioner for Refugees (UNHCR) assumed all the costs of processing their documents and they were also provided with free health care and education. In order to prevent discrimination, their identity cards did not contain any reference to their migration status. Economic migrants were expected to pay a small amount of money to cover the administrative costs of issuing stamped certification documents. Generally speaking, it was the volume of requests rather than the associated costs that posed problems.

14. **Ms. Whyte** (Costa Rica) said that it was not easy to relate employment statistics to the disaggregated data on ethnicity generated by censuses. However, the Ministry of Labour and Social Security paid particular attention to complaints related to the right to work made by persons living in majority indigenous or Afro-descendant areas or by persons working in sectors of the economy that employed large numbers of migrants. In order to provide the most vulnerable sectors of the population with access to basic services, the Government had established a non-contributory pension scheme and had also introduced legislative changes that would make it easier to monitor employment conditions.

15. **Mr. Solano Ortiz** (Costa Rica) said that evictions were carried out to relocate individuals living in dangerous physical environments, to make way for new infrastructure or as a result of a court order. In all cases, human rights criteria were observed and an operational procedure was followed. Representatives of the National Child Welfare Agency, the Costa Rican Red Cross or other institutions had to be present when the evictions took place.

16. With regard to abortion, the Government was working with the Ministry of Health to draw up technical guidelines that would enable medical staff to determine the conditions in which therapeutic abortion would be permissible. The purpose of the guidelines was to reduce the degree of subjectivity involved in decisions concerning abortion.

17. The delegation would submit a copy of the national plan for in-service teacher training, which contained details of all the agencies and mechanisms that dealt with teacher training. A number of agreements and programmes related to study abroad enabled Costa Rican teachers to improve their language skills in Canada, the United States or elsewhere. Other initiatives were aimed at overcoming educational gaps through the use of information and communication technology in schools and setting up a virtual library. Recent investment meant that many schools were being constructed, refurbished or re-equipped. The vast majority of schools now had computer rooms and efforts were being made to ensure that all schools would do in the future.

18. **Ms. Bras Gomes**, noting that the State party had implemented its first plan related to the 2030 Agenda for Sustainable Development, said she would like to know how it would ensure that its approach to human rights complemented its development agenda. Given that discrimination existed in areas other than employment, she would be interested to hear whether the State party would consider implementing a comprehensive law on non-

discrimination that addressed all the grounds mentioned in article 2 (2) of the Covenant. She asked what steps were being taken to simplify and speed up the pensions process in the light of reports that older persons sometimes had to wait over 18 months for their non-contributory pensions.

19. **Mr. Chen**, noting that the poverty level had remained the same for 28 years despite the growth in the economy, asked what steps the State party had taken to reduce poverty, an area in which it had not achieved the related Millennium Development Goals. Poverty levels were also an important indicator of the extent to which the rights enshrined in the Covenant had been implemented.

20. **Ms. Shin** asked if domestic workers could join trade unions and whether Costa Rica had ratified the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189). She said she would be interested to know whether the human rights commission addressed issues other than health and requested more information on its role and the way that it interacted with the Government. The State party might usefully investigate the United Nations Educational, Scientific and Cultural Organization (UNESCO) programme on preserving documentary heritage as a means of educating the population and maintaining the cultural heritage of the country's indigenous peoples.

21. **Mr. Mancisidor de la Fuente** said that the statistics provided on preschool attendance and family income levels did not appear to be in line with those contained in the report issued by the National Council of Public University Rectors, which indicated that rising socioeconomic inequality levels were making it increasingly difficult for poorer children to access preschool education, and asked whether that was the case. He had been surprised to hear that certain indigenous languages had not been spoken since the eighteenth century. According to information from UNESCO, which had, in turn, obtained it from the 2000 Population and Housing Census published by the University of Costa Rica, the languages in question were being spoken as recently as the year 2000. If that information turned out to be incorrect, it would be advisable to inform UNESCO and the University of Costa Rica.

22. **Mr. Uprimny** asked what steps were being taken to tackle rising socioeconomic inequality in Costa Rica, what measures were in place to increase the level of preschool attendance and what action was being taken to reduce the disparities in unemployment and labour participation rates for men and women. He said he would also welcome information on any legislation in place that assured full access to education for the lesbian, gay, bisexual transgender and intersex community and asked whether same-sex couples had the same rights as heterosexual couples. He would like to hear what was being done to reduce waiting lists in certain sectors of the health system and asked if the State party would consider broadening the grounds on which abortion was permissible. Given the relatively high teenage pregnancy rate, he asked whether adolescents had access to sexual and reproductive health services and education. Lastly, noting that the Constitutional Chamber had ruled against allowing access to in vitro fertilization (IVF), despite the existence of an executive decree to the contrary, he asked the State party to provide clarification on the legal status of the practice.

23. **Mr. Abdel-Moneim** asked whether large foreign companies operating in Costa Rica, which often benefited from tax incentives, could be encouraged to pay their employees more than the minimum wage. He said that the minimum wage should be indexed to the cost of living.

24. **The Chair** asked whether the international financial institutions with which Costa Rica negotiated were aware of the country's obligations under the Covenant and whether, in the course of negotiations, it succeeded in adhering to its obligations. He asked whether

deforestation had increased or decreased in recent years. Lastly, he asked whether the State party attempted to safeguard and promote all indigenous languages to the same extent.

The meeting was suspended at 11.35 a.m. and resumed at 12 p.m.

25. **Mr. Solano Ortiz** (Costa Rica) said that the National Development Plan was fully in line with both the Sustainable Development Goals, which were incorporated almost in their entirety in the Plan, and the Covenant. The Government was working with a range of United Nations agencies to implement its development agenda.

26. **Ms. Whyte** (Costa Rica) said that the Ombudsman's Office was working on drafting a comprehensive anti-discrimination bill for which examples of best practice or lessons learned at the international level would be welcomed. Specific efforts were required to combat discrimination in the field of employment. With regard to the comments made concerning poverty and inequality, she stressed that, although the poverty rate had not fallen as much as might have been hoped, it should be recalled that, in the space of just five decades, Costa Rica had transitioned from a poor agricultural country to one with a high level of human development that provided quality health care, education, transport and infrastructure. The fact that life expectancy had reached almost 80 years was also very significant, particularly in the Latin American context.

27. The Government had been open in acknowledging public concerns in that area, and had developed a new multidimensional, inter-institutional approach to combating poverty. Under the new paradigm, State institutions endeavoured to identify and reach families in need in a more proactive manner, rather than waiting for them to request assistance. The new model was based on the findings of studies conducted to establish why previous poverty reduction efforts had not been as effective as expected. It should also be borne in mind that Costa Rica had been affected by the international financial crisis of 2008, albeit to a lesser extent than many other countries. Extraordinary efforts had been made to ensure that poverty levels did not worsen during that period. Another factor that had had an impact on poverty reduction efforts was that many of the migrants to the country over the past 15 years had arrived in situations of poverty or extreme poverty. There were now many social programmes targeted at that sector of the population.

28. In general, the Costa Rican development model could be considered a success, and efforts continued to develop effective solutions to reduce poverty. The minimum wage was indexed, and there was a system of solidarity-based social protection. Because production costs were comparatively high in Costa Rica, a good deal of investment had been lost to countries with lower labour costs. Efforts to reduce the budget deficit included a reform of direct as well as indirect taxation, and the additional revenue from value added tax (VAT) would have a significant impact in reducing extreme poverty. Bringing more of the population into the most dynamic sectors of the economy would require greater State investment in specialized areas of education.

29. **Mr. Solano Ortiz** (Costa Rica) said that ASTRADOMES was the trade union for domestic workers in Costa Rica. The ILO Domestic Workers Convention, 2011 (No. 189) had been ratified and was in force in Costa Rica.

30. **Ms. Sánchez** (Costa Rica) said that the human rights committee of the Legislative Assembly was responsible for identifying, examining and denouncing human rights violations. It was composed of seven deputies and served a political oversight function, reviewing the actions of the public administration on all matters related to human rights. It also drafted resolutions, recommendations, agreements and other instruments in the area of human rights for adoption by the Legislative Assembly. It was the official focal point for the Legislative Assembly on human rights issues and was responsible for coordination.

31. **Mr. Solano Ortiz** (Costa Rica) said that, as a member State of UNESCO, Costa Rica had participated in initiatives for the protection of its linguistic heritage. There continued to be a debate concerning which indigenous languages should be considered living languages. In the case of Chorotega, although 18 persons had spoken the language in 2000, they might no longer be alive and might not have passed the language on to anybody else. In any case, the issue would be reported to the relevant authorities and any additional information would be submitted to the Committee in writing.

32. In addition to financial constraints, cultural attitudes were another factor contributing to the low preschool enrolment rate; awareness-raising efforts were required in order to improve access. Approximately 42,000 children were currently enrolled in public preschool education, the majority of them from vulnerable groups. There were a number of programmes to promote the use of new technologies in the education system. There were currently 208,612 students enrolled in tertiary education, and policies were being implemented to promote university education and vocational training. Some 48,000 students — many from disadvantaged backgrounds — received university scholarships, and that figure was expected to increase significantly by 2020. Scholarships were also awarded for outstanding academic performance. The university enrolment rate had increased by 3.5 per cent between 2010 and 2014. More than 2,400 education centres provided special education services to persons with disabilities. The number of students with disabilities accessing such services had increased from some 4,000 in 2002 to more than 8,000 in 2013. Good practices in that area included a free transportation programme for persons with disabilities.

33. A series of measures was being taken to address the long waiting lists in some areas of the health system; they included the introduction of centralized electronic medical records, which was a major undertaking. It had recently been announced that primary health-care centres would open on weekends as a means of reducing waiting lists. In some centres, operations were being performed at night-time and, in some cases, on an outpatient basis. The Constitutional Chamber had accepted the ruling of the Inter-American Court of Human Rights on IVF and there was therefore no contradiction on the matter. The relevant protocols were currently being developed for the implementation of IVF services.

34. Regarding foreign direct investment, there was an extensive legal framework in Costa Rica governing the issue of corporate social responsibility. Environmental sustainability was one of the cornerstones of government policy. Costa Rica had increased its forest cover from approximately 20 per cent in the 1970s to 54 per cent today, which was one of the highest rates in the world. A number of steps had been taken to halt deforestation; they included the payment of incentives to small landowners to maintain the forests, which constituted a huge investment of State resources. Costa Rica was also involved in national and regional initiatives under the United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries. There was an inter-institutional committee to promote forest conservation, respecting the principle of coexistence with communities.

35. **Mr. Uprimny** thanked the State party for its periodic report and written replies to the list of issues, but said that it was regrettable that the common core document had not been updated in 10 years. He thanked the delegation for the constructive dialogue, and said that the Committee looked forward to receiving additional information in writing.

36. **Mr. Solano Ortiz** (Costa Rica) said that the State party welcomed the opportunity for exchange with experts from the human rights treaty bodies, which highlighted the country's strengths and weaknesses. The Committee's recommendations would be implemented to the maximum of the State party's capacity and would serve as a guide for future efforts; they would naturally be shared with civil society. The suggestion to update the country's common core document would be passed on to the relevant authorities.

37. **The Chair** thanked the delegation for the candid dialogue with the Committee, which had been a mutually beneficial learning process. He said that the Committee commended Costa Rica on its commitment to human rights and expressed its appreciation of the importance the State party attached to the Covenant. He expressed the hope that the concluding observations would be taken seriously and, above all, shared with policymakers.

The meeting rose at 12.40 p.m.